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TECHNOLOGY CENTER R9700

P/3426-21



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Carl L. C. Kah, Jr., et al.

Serial No.: 10/015,588

Group Art Unit: 3752

Filed: December 17, 2001

Examiner:

For: ROTARY DRIVE SPRINKLER WITH FLOW CONTROL AND SHUT OFF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION BY KARL L.C. KAH, JR. IN SUPPORT OF
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Sir:

C
I, *C* Karl L.C. Kah, Jr., do hereby declare the following:

1. I am one of the co-inventors of the subject matter disclosed and claimed in the above-identified U.S. patent application. I submit this Declaration in support of a Petition to Make Special under 37 C.F.R. §1.102 and M.P.E.P. §708.02 II.

2. There is at least one rotary driven sprinkler on the market which comprises:

a stationary housing sprinkler assembly for receiving a supply of water;

a nozzle housing assembly mounted for rotation on top of the sprinkler housing assembly;

a nozzle mounted in the nozzle housing assembly for distributing a flow of water away from the sprinkler; and

a rotatable flow shut off valve mounted in the nozzle housing for throttling or shutting off the flow to the nozzle.

3. I believe this product infringes at least one of the claims in this application.

4. I possess a good knowledge of the pertinent prior art, and consider the patents cited in the specification of this application, as well as U.S. Patent 6,241,158, to be the references most closely related to the subject matter encompassed by the claims of this application.

I hereby declare that all statements made herein of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 7/28/03


Karl L. C. Kah, Jr.